

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101
BEFORE THE ADMINISTRATOR

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of)	
)	
National Beef Packing Company)	Docket No.
Dodge City, Kansas)	CERCLA -07-2003-0001
)	
)	
Respondent.)	

CONSENT AGREEMENT AND FINAL ORDER

The complaint commencing this proceeding for the assessment of a civil penalty was filed on or about October 7, 2002, pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9609, when the United States Environmental Protection Agency (Complainant or EPA) issued to National Beef Packing Company, Dodge City, Kansas, (Respondent) a Complaint and Notice of Opportunity for Hearing.

Following issuance of the Complaint, Respondent informed EPA that Respondent's legal name is "Farmland National Beef Packing Company, LP".

The Complaint charged Respondent with one violation of Section 103 of CERCLA, 42 U.S.C. § 9603, and regulations promulgated pursuant to Section 102 of CERCLA, 42 U.S.C. § 9602, and codified at 40 C.F.R. § 302.6.

The Complaint proposed a penalty of Twenty-Seven Thousand Five Hundred Dollars (\$27,500) for this violation.

CONSENT AGREEMENT

1. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in the Complaint filed in this matter. Respondent neither admits nor denies the factual allegations set forth in the Complaint filed in this matter.

2. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint filed in this matter.

3. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

4. Respondent certifies as of the signing of this Consent Agreement and Final Order that to the best of Respondent's knowledge, Respondent's Dodge City, Kansas facility is presently in compliance with all requirements of Section 103 of CERCLA, 42 U.S.C. § 9603, and all implementing regulations, 40 C.F.R. Part 302.

5. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of the civil penalty as set forth below.

6. Respondent understands that the failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest thereon at the applicable statutory rate.

FINAL ORDER

Pursuant to the provisions of CERCLA, 42 U.S.C. § 9601, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Twelve Thousand Eight Hundred Seventy-Five Dollars (\$12,875), within thirty days of entry of this Final Order. Payment shall be by cashier's or certified check made payable to the "EPA Hazardous Substance Superfund" and remitted to:

EPA - Region 7
Attn.: Superfund Accounting
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251.

2. A copy of the check should be sent to:

Julie M. Van Horn
EPA-Region VII
Office of Regional Counsel
901 North Fifth Street
Kansas City, Kansas 66101.

3. Respondent and Complainant shall bear their own costs and attorneys' fees incurred as a result of this matter.

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By


Julie M. Van Horn

Senior Assistant Regional Counsel

Date

6 January 2003

RESPONDENT:
FARMLAND NATIONAL BEEF
PACKING COMPANY, LP.
DODGE CITY, KANSAS

By Don J. Autumn

Title V. P. of Engineering

Date 12-31-02

IT IS SO ORDERED. This Final Order shall become effective
immediately.

Robert Patrick
Robert Patrick
Regional Judicial Officer

Date January 15, 2003

IN THE MATTER OF National Beef Packing Company, Respondent
Docket No. CERCLA-07-2003-0001

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

Julie Van Horn
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Parthenia B. Evans
Stinson Morrison Hecker L.L.P.
2600 Grand Blvd.
Kansas City, Missouri 64108

Dated: 1/17/03


Kathy Robinson
Regional Hearing Clerk